

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell I. Kirschner et al.

Serial No. Not yet assigned

Filing Date: November 14, 2003

Title: NUTRITIONAL FORMULATIONS

APPLICATION DATA SHEET

FOR CONTINUATION U.S. PATENT APPLICATION

Mail Stop Patent Application
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: ~

1. This is a Request for filing a
 XX Continuation Application under:
 _____ 37 CFR § 1.53(b) (1)
 _____ Divisional Application under:
 _____ 37 CFR § 1.53(b) (1)
 _____ Continuation-In-Part (CIP) application
 _____ 37 CFR § 1.53(b) (2)

of **prior** ("parent") application:
 Serial No. 09/972,664
 Filed: October 9, 2001
 Entitled: NUTRITIONAL FORMULATIONS

which is a Continuation-In-Part (CIP) Application of
 Serial No: 09/320,559
 Filed: May 27, 1999
 Entitled: NUTRITIONAL FORMULATIONS

2. XXX *Enclosed for application under 37 CFP. §§ 1.53(b) are:
 39 pages of text (specification, claims, abstract)
 23 claims
 Atty. Docket No. 718689.

3. The **present** application names the following inventor(s)

Mitchell I. Kirschner
R. Saul Levinson
Marc S. Hermelin

____ (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

____ Enter the Amendment filed in the prior patent application on _____ prior to calculating the filing fee.

____ Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

	(Col 1)		(Col 2)	SMALL ENTITY				
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE	OR	RATE	FEE
TOTAL	23	minus 20	3				18	54
INDEP	3	minus 3	0				86	0
BASE FILING FEE:								770
<u>xx</u> Multiple Dependent Claims								
				TOTAL		OR TOTAL	824	

____ Applicant(s) is/are a "small entity".

____ was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);

____ is filed herewith;

____ will be filed at a later date.

____ A check including the _____ filing fee is enclosed.

____ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$ _____ extension fee.

_____ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$ _____ per Assignment.

_____ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR § 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

XXX The prior application is assigned of record to DrugTech Corporation, 900 Market Street, Second Floor, Wilmington, DE 19801, the Assignment being recorded on April 21, 2000, on Reel 010759, Frame(s) 0644.

_____ An original executed Declaration is enclosed.

_____ Amend the specification by inserting before the first line the sentence:

_____ Foreign priority under 35 U.S.C. § 119 of _____ application(s) _____, filed _____, is hereby claimed. The certified priority paper(s) _____ was/were filed in the parent case;
_____ is/are enclosed herewith;
_____ will be submitted at a later date.

_____ The power appears in the original papers in the prior application.

XXX Address all future communications to:

Richard H. Shear
Blackwell Sanders Peper Martin, LLP
720 Olive Street, 24th Floor
St. Louis, MO 63101

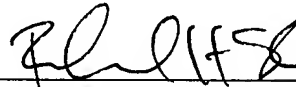
_____ If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 11-0160. A duplicate copy of this Form is enclosed.

XXX The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 11-0160.

Respectfully submitted,

BLACKWELL SANDERS PEPER MARTIN, LLP

Date: November 14, 2003



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